

**Alexandria Township
Land Use Board
Meeting Minutes March 18, 2021**

Chair Rochelle called the regular meeting of the Alexandria Township Land Use Board to Order at 7:32 pm. This Virtual Meeting is called pursuant to the provisions of the Open Public Meetings Act. Both adequate and electronic notice of this virtual meeting has been provided by way of publication in the Hunterdon County Democrat newspaper on or about January 28, 2021. In addition, notice of the meeting was posted on the door of the Alexandria Township Municipal Office located at 242 Little-York Mt. Pleasant Road, Milford and any handicapped-accessible entrances thereto; posted on the municipal website; provided to the municipal Clerk and distributed to all persons, if any, requesting copies of same. This meeting is being recorded with both audio and video and may be rebroadcast. This meeting is a judicial proceeding, any questions or comments must be limited to the issues that are relevant to what the Board may legally consider in reaching a decision and decorum appropriate to a judicial hearing must be maintained at all times.

MEMBERS PRESENT: Chair Rochelle, Papazian, Fritsche, Canavan, Tucker, Committeeman Kiernan, Deputy Mayor Pfefferle, Giannone, Kimsey, and Hahola

MEMBERS ABSENT: Freedman, Pauch

OTHERS PRESENT: Guy Wilson – Substitute, LUB Attorney, Kara Kaczynski – LUB Attorney, David Banisch – LUB Planner, Tom Decker – LUB Engineer, Rosalie Vezzosi - applicant, Steve Potter – applicant, Peter Fleming – Applicant Attorney, Eric Rupnarian – Applicant Engineer, Guy De Sapio – Applicant’s Attorney, Jeff Simons – Engineer, Jay Troutman – Traffic Engineer, Yuuji Crance-witness, Greg Crance-applicant, Megan Pfau, and Ernest Crouse.

Minutes Approval

A motion to approve the February 18, 2021 Regular Meeting Minutes of the Land Use Board was made by **Papazian** and seconded by **Fritsche**. **Ayes:** Chair Rochelle, Papazian, Fritsche, Canavan, Tucker, Committeeman Kiernan, Deputy Mayor Pfefferle, Giannone, Kimsey and Hahola. **No Nays. Motion Carried.**

New and Pending Matters

- Vezzosi – “D” Variance Application – Resolution of Approval
Block 18.01 Lot 3
188 Stamets Road

At 7:37 **Chair Rochelle** recused himself. **Vice-Chair Papazian** resided. A motion to approve the Resolution of Approval was made by **Tucker** and seconded by **Canavan**. **Ayes:** Papazian, Fritsche, Canavan, Tucker and Giannone. **No Nays. Motion Carried.**

- Potter – Minor Subdivision – Public Hearing
Block 4 Lots 9.01 & 10
410 Goritz Rd & Goritz Rd

Kaczynski recused herself from the Board as well as **Canavan** at 7:38pm. Mr. Potter, applicant and Mr. Rupnarian, applicants' engineer, were present on behalf of the applicant. Mr. Rupnarian advised that the applicant owns two properties, the first lot 10 has about 64 acres and is located on the southerly side of Goritz Rd. Lot 10 does not have any frontage or access. It is a land locked parcel and does not have any improvements on the property. There are various farm lanes that traverse the property but no structures. He advised Mr. Potter also owns lot 9.01 which is presently a little over 8 acres and has access from Goritz Rd.

Mr. Rupnarian advised the applicant is before the Board to complete a lot line adjustment between lots 9.01 and lot 10. The lot line adjustment will create a flagstaff that is 50 ft wide along the easterly portion of lot 9.01. The purpose of the flagstaff is to provide frontage and access to lot 10. He advised the applicant is not here to propose any construction on lot 10 only to provide access to lot 10. He continued there are plans to have lot 10 farm assessed for woodlands management. Because the applicant does not have any legal access or frontage to this property, he is not able to proceed with those plans. The subdivision will create several variances for lot 9.01. After the lot line adjustment, lot 9.01 will be reduced from approximately 8.14 to 6.8984 acres. The minimum acreage for the AR Zone is 10 acres. The minimum lot width at setbacks requires 250 ft. Currently 286.4' exist and the proposed lot will leave 228.05'. In addition, the required lot circle is 500' where the proposed will be 360.5'. The applicant looked into acquiring access from Goritz Rd. to lot 10 through adjoining properties however these are undersized lots as well with existing single-family dwellings. Lot 9.01 is the largest of the adjoining lots North of lot 10 that has access to Goritz Rd. Any access from those properties would exacerbate the non-conformities from those properties. The only possibility is to access the lot from 9.01. The only other option would have been for the property owner of lot 4 to provide right of way access, however that property owner was not willing to do so.

Since the applicant's engineer was providing testimony **Guy Wilson** swore in Mr. Rupnarian, who provided his name and address, and was determined to be qualified as a professional by the Board.

Decker summarized the application originated as a driveway application submitted to the town and has evolved into a minor subdivision with variances. He reviewed his letter dated March 15, 2021.

Lot 9.01 has an existing non-conformance with the zoning regulations for minimum side yard setback (69.5 feet, where 100 feet is required). The existing side yard setback non-conformance will remain unchanged if the proposed lot line adjustment is approved.

Lot 9.01 has an existing non-conformance with the zoning regulations for minimum required lot area (8.140 acres, where 10 acres is required). The proposed lot line adjustment will bring Lot 9.01 further out of compliance with the minimum area requirement (6.8984 acres is proposed). A variance is required.

Lot 9.01 currently complies with the zoning regulations for minimum lot width at setback (286.4 feet where 250 feet is required). The proposed lot line adjustment will bring Lot 9.01 out of compliance with the minimum lot width at setback requirement (228.05 feet is proposed). A variance is required.

Decker continued this does provide access to lot 10 which otherwise does not have access. He noticed Lot 14 is also owned by the applicant with an access easement from Lot 15 and asked the engineer if

that access was pursued. Mr. Rupnarian advised that the area is very steep, and the grade goes up significantly and that it is almost impossible to build a driveway that could be traversed. **Decker** advised the property is within the Highlands Preservation Area. He advised the proposed lot line adjustment may cause lot 10 to become ineligible for future Highlands Exemptions, as the lot boundaries will not have been in existence on August 10, 2004. He recommended to the applicant and as a condition of the Board of any approval to obtain an official determination from DEP. He also advised that should any approval be granted by the Board, the applicant would need to obtain a driveway permit from the Township.

Banisch advised that the initial comments regarding the applicant's intention of having the property farmland assessed for woodlands management should be noted in the resolution, if approved by the Board. In the planner's report dated March 16, 2021, he included analysis of the exemptions.

1. No proposed development is identified on the Minor Subdivision – Lot Line Adjustment plan submitted with this application. The Highlands Preservation Area rules identify two exemptions that potentially apply for construction of a single-family dwelling on Lot 10, as follows:

Exemptions:

1. Construction of a single-family dwelling for own use or family use: The construction of a single-family dwelling, for an individual's own use or the use of an immediate family member, on a lot owned by the individual on the date of enactment of this act or on a lot for which the individual has on or before May 17, 2004 entered into a binding contract of sale to purchase that lot;
 2. Construction of a single-family dwelling on existing lot: The construction of a single-family dwelling on a lot in existence on the date of enactment of this act, provided that the construction does not result in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more;
2. Based on tax records, it appears that the applicant obtained ownership of Lot 10 in 2017 or 2018. The Highlands Act became effective on August 10, 2004.
 3. One-quarter acre of impervious coverage is 10,890 sq. ft. (Exemption #2 limit). A driveway 12' wide x 1,070' long (distance required to access the flag portion of the lot) will result in 12,840 sq. ft. of impervious coverage, which exceeds the exemption impervious coverage permitted under Exemption #2. The impervious coverage devoted to the driveway does not include additional driveway distance to meet the setback and any impervious coverage for a proposed single-family dwelling.
 4. The applicant should provide testimony as to which exemption, if either, the applicant intends to rely upon for future construction of a single-family detached dwelling. If the applicant

intends to rely on another means or mechanism of securing approval for construction of a single-family dwelling on proposed Lot 10, testimony and an explanation should be provided.

5. Both exemptions cited above pertain to lots in existence as of the either May 17, 2004 or on the date of enactment of the Highlands Act. By executing the proposed lot line adjustment/minor subdivision, it appears to us that a potentially significant question arises as to whether rights to either or both of the exemptions may be lost by changing a lot line because Lot 10 may be technically interpreted as a different lot than the lot existing as of the date of entitlement to the exemptions.

Banisch advised that an additional condition could be that the Board condition approval of the filing of deeds upon the applicant submitting documentation from NJDEP demonstrating approval to construct a single-family residential dwelling on re-subdivided lot 10.

Banisch advised another matter is the already existing non-conformity of the lot which will be further exacerbated reducing it from 8.01 to 6.9 acres. There is a requirement in Municipal Land Use Law that testimony must be provided to demonstrate to the Board that the variances could be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance.

Wilson advised that the letters of the Board professionals will be admitted into evidence as **Decker's** letter of March 15, 2021 as B-1 and **Banisch's** letter of March 16, 2021 as B-2. The applicant's application is A-1.

Chair Rochelle asked if the applicant would like to address the concern's brought up by the Board professionals. Rupnarian advised that the applicant has no intention at this moment or in the immediate future to build any structure on Lot 10. The primary purpose of the application is strictly to provide access. They are aware a Highlands permit would need to be obtained to construct anything on the property. Lot 10 has existing farm lanes unimproved. One of those lanes traverses the back along the southerly property. The farm lane is located on lot 10. He advised that if they were to extend the lot of 9.01 further into lot 10 that the farm lane that traverses lot 10 would now be included into lot 9.01. He advised that the applicant knows that he is further exacerbating an existing non-conformity. However, given the existing conditions, they believe it is sufficient to justify the needed variance.

Banisch advised that by virtue of ownership the applicant has access through lot 9.01 and asked what the justification is for further decreasing the lot area and creating the further non-conformity for access to lot 10. Rupnarian advised the applicant is planning to sell lot 9.01. **Banisch** advised that is concerned that the applicant has not demonstrated the requirements of the last unlettered paragraph of the NJSA 40:55 D-70 which provides that "No variance or other relief may be granted under the terms of this section, including a variance or other relief involving an inherently beneficial use, without a showing that such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance."

Wilson asked if the applicant could increase the area of 9.01 to reduce the further non-conformity. Mr. Rupnarian asked to confer with his client. Rupnarian came back and advised that his client would be willing to extend the lot lines from lot 9.01 into lot 10. They would like to create an easement across

the farm lane that presently exists so that they do not have to disturb any additional vegetation or trees in lot 10. Rupnarian advised that by maintaining the lot area of 9.01, they are not increasing the non-conformity in terms of the lot acreage. The detriment in the reduction of the lot width in 9.01 are outweighed by the fact that they are now able to provide access to lot 10, where access is required by completing this lot line adjustment.

Chair Rochelle asked if there were any questions from the Board. **Giannone** asked when Mr. Potter obtained ownership of lots 9.01. **Wilson** swore in the applicant Mr. Potter. Mr. Potter stated his name and address. He purchased the property in October of 2020. There were no additional questions from the Board.

Chair Rochelle opened up the comments from the public. There were no comments.

Due to the change in the submission of the land exchange on lot 9.01 the application was carried to the next meeting of April 15, 2021 until an updated plan is submitted. The Board and the applicant agreed to carry the application to the next meeting. **Tucker** made the motion and was seconded by **Fritsche** to carry the application pending an updated submission. **Ayes: Chair Rochelle, Papazian, Fritsche, Tucker, Committeeman Kiernan, Deputy Mayor Pfefferle, Giannone and Kimsey. No Nays. Motion Carried.**

- De Sapio Properties #6 Inc and Delaware River Tubing, LLC – Amended Site Plan – Public Hearing
Block 17.01 Lots 12
776 Milford-Frenchtown Road

Kaczynski and **Canavan** rejoined the Board at 8:24pm. All notices were in order. **Kaczynski** marked the application as Exhibit A-1 and all corresponding documentation. Notices and publication were marked as Exhibit A-2. Van Cleef's letter dated March 15, 2021 was marked as Exhibit PB-1, Banisch's letter dated March 17, 2021 was marked as Exhibit PB-2.

De Sapio, Attorney for the applicant was present on behalf of the applicant. De Sapio Property #6 Inc. is the owner of the property and Delaware River Tubing is the tenant and operator of the business activity that is the subject of this application. He advised that Delaware River Tubing and the property owner were given site plan approval in 2016 for the operation of the tubing rental facility on this property. As a result of experiences during the operation, they need some amendments to the site plan. They are looking to obtain site plan approval to temporarily store, in the front of the building, the tubes and lifejackets that people pick up. They would like to be able to install changing and a self-contained shower facility on the site. There was a layout approved in the rear of the facilities for buses and equipment which the applicant would like to change somewhat. The Board required jersey barriers in the front of the operation and the board required that they be removed when the tubing was not in operation. The applicant would like to be able to leave those year-round and feels this is an unnecessary expense. The building was used at one time by a Bagelsmith and the operator would like to use this space to be able to sell prepackaged foods with no seating indoors or outdoors. There would also be some light breakfast sandwiches and hot dogs.

De Sapio advised that the witnesses for the public hearing tonight are Antonio De Sapio – Member of the LLC, Jeff Simons – Engineer, Jay Troutman – Traffic Engineer, Yuji Crance – employee of Delaware River Tubing and Greg Crance one of the owners of Delaware River Tubing. **Kaczynski** asked all the witnesses, to turn on the camera, raise their right hand, and she swore in the witnesses along with the Board Engineer and Planner.

De Sapio called on Yuuji Crance. Yuuji Crance identified himself with spelling of name and address. Yuuji Crance advised the Board that Delaware River Tubing is a river rental outfitter and rents, tubes, rafts, canoes, and kayaks to locals, guests and tourists to go down the 6-mile stretch of the river. Their company rents equipment to go down the river and has facilities for changing. He testified that they rent tubes, rafts, canoes and kayaks. De Sapio asked when he rents tubes if they provide transportation for the renters from the Alexandria facility to an access point of the Delaware River. Crance advised that they offer shuttle rides to and from the river when they complete their trip. De Sapio asked what type of vehicle is used to transport people. Crance advised that the company has a couple of vans but normally they use shuttle buses. Due to COVID the buses are not at capacity, however typically it is 30 people per bus. De Sapio asked if the tubers load on the bus at the Alexandria site. Crance advised that there is a bus lane in front of the existing De Sapio #6 building and the guests will hang out there until they are ready to embark.

Kaczynski asked for clarification of Yuuji Crance's position with the company. He advised he is an employee of the applicant and his title is Operations Manager. He is not an owner of the company but is related to the applicant. Page 2 of the site plan was displayed for the Board. Crance testified that the left side of the site plan says tubing entrance, the guests will arrive on this side and find a parking spot. Things have changed a bit operationally this year, one member of the party will go to the Bagelsmith, where check in will take place. Once the guests are checked in with waiver forms and wrist bands, they are sent outside to retrieve the rest of their group to be outfitted with equipment. This happens on the eastern side of the building. The bus pull in is seen on the map and most of the pickups are right at the southeastern side of the building, where the applicant is proposing to have some changes done. While the guests are waiting, the staff instructs them on what to do on the river and to ensure the guests are outfitted with the proper equipment. The shuttle buses will load up with the passengers and equipment. The buses then exit right in the middle of the property where the site plan shows bus exit and fitness entrance. The bus then proceeds south on the road and heads to the entrance of the river. De Sapio asked if the buses in fact enter the property on the Northern side and drive to the front of the building. Crance said that is correct, the buses enter at the most northern entrance and cut through the dog training facility to the bus lane. The bus will queue there until the guests are ready to go.

De Sapio asked if in the previous site plan the board required the jersey barriers, in the front of the building on the east side. Crance confirmed it was a requirement. Those barriers are there during the months of the operation. They were imposed for safety reasons. The board required the barriers during the summer months and after the season of operation, would be relocated. He testified that during the winter those barriers do not need to be removed for their purposes.

De Sapio asked when the site was first being used, how the guests obtained their tubes and life vests. Crance testified in the past, life vests were stored at the old Bagelsmith on the southeast side. They found that when the life jackets were stored in the building, the air conditioning would fail due to the moisture in the air from the wet equipment. It would get very hot inside the building which could cause heat related illnesses with the guests. The other issue when stored inside, the life vests could not dry properly and mold would form. It was safer to have the life jackets on the outside. The tubes dried quicker outside as well. Those were stored inside the northeastern side of the building which caused issues as well. De Sapio asked if they found a solution to the problem, keeping the equipment sanitary and the building safe. Crance testified that at other locations they were able to store the tubes, rafts, and kayaks outside and by storing the equipment outside, it kept the conditions safer. Storing the equipment outside also helped to speed up the process of guests obtaining their equipment since guests

did not have to go indoors and instead could grab the equipment staged outside. De Sapio asked for more detail regarding how the equipment is staged outside. Crance advised the life jackets were in the tents and dry quicker. They created corridors and lines where the life jacket tents are, where the customers can easily queue. They found stacking the tubes, rafts, where the netting was to be much better because of the abundance of equipment. The netting stops the tubes from blowing into the road. Before the netting, a strong wind could blow the tubes out. Crance described the life jacket tents as 10' wide x20' long car port (Car Canopy) tents approximately 12' high. Each tent has 8 legs, they are able to predrill holes in the legs, run ropes, and hang the life jackets on the ropes. During the regular season, they only need 1 or 2 tents, but are proposing 3 tents in the peak season. De Sapio asked if they are proposing 1 – 3 tents depending on the time of the year and need. Crance said yes, that May they would need 1, June, 1-2 tents, July & August, 3 tents, and September probably 1, or 2 if it is warm. The actual number would be dependent on the customer need. The equipment is stored behind the netting but with the amount of equipment, it is stored inside the building as well. However, due to the number of tubes and rafts and volume of customers they needed to store the equipment outside as well for the season. De Sapio asked Crance to describe the netting, how it is installed and who it is manufactured by. Crance advised that the netting is the same as used in outdoor batting cages. From memory it was 12' high and 70' wide. It is installed in 3 sections and secured with zip ties. After the season is over, it comes down.

Crance described the flow of customers. He advised that once the customer leaves the southeastern portion of the building, assuming it is the same protocol due to COVID which he believes it will be, he advised the customer will gather the wristbands for their group. The customers then go back towards the check in and walk north. Staff is staged in the middle by the flagpole, and will gather the equipment for the customers and provide it to the renters. The customers then will get their life jacket and queue for the bus. Once the customers are up to the front of the line, southeastern portion by the bus exit area, the staff takes the equipment to load it into the bus and the passengers load in the bus at the same time. They then leave for the river trip. This new system was better for the flow and the staff could brief the customers about the rules for the river trip. This new system was more efficient than the old way. De Sapio asked if there were any additional benefits for the system described. Crance advised prior to the tents he had witnessed heat stroke during the hot and very warm weather. The tents this summer provided shading and kept the customers cool and were safer.

De Sapio asked if Crance remembered during the first site plan the discussion of providing shading for the customers waiting outside of the building. He did not. De Sapio asked what the space was previously to Delaware River Tubing using the indoor space. Crance believed it was a Bagelsmith. Crance advised Delaware River Tubing currently sells pre-packaged foods. However, he would like to obtain approval to use the inside space for light breakfast sandwiches, prepared food, and coffee. Delaware River Tubing has experience in selling food with his father starting the Hot Dog Man business in 1987. They have owned food trucks and a diner. De Sapio asked what the Hot Dog Man is referring to. Crance said in the middle of the six-mile trip, the Hog Dog Man is a floating stand. All of the renters will receive a complementary barbeque meal, two hot dogs or a burger, a drink and a snack. They can enjoy their food next to the island in the middle of their trip. At the indoor site in Alexandria Township, they are not proposing any indoor or outdoor seating. The food would be for the customers on site who are taking the river trip. There is a strong growing demand for customers who are asking for food at that site.

De Sapia asked if part of the proposed operational changes are the use of changing buses and a self-contained shower bus. Crance advised yes so that the customers can change out of bathing suits and get cleaned up. The middle western portion of the site plans shows this location. De Sapia asked for a description of the changing bus. Crance advised it is a school bus with removed seats and retrofitted with 5 changing rooms. There are two of them right now, one for men and one for women. For ADA accessibility, they have a port a john that is handicapped accessible with signage posted. Crance confirmed there are two changing buses and either one to two ADA port a john's depending on the busy season. They are parked close to each other during the summer months and parked in the rear during the off season. The changing buses are located just north of the port a johns. He believes they are proposing to keep them in the same area. The shower facility would be used for customers who are picked up 8 miles south who need to clean up. They are proposing to have a trailer that is an all-in-one unit which will have clean water and black waste water where guests can rinse off. This trailer would be serviced at the same time the port o john is serviced to pump out the waste water.

Kaczynski marked the exhibit submitted November 5, 2020 showing the trailer brochure, netting, jersey barriers and 10 additional photographs as exhibit A-3.

De Sapia asked about businesses in the area who have outdoor storage. Crance testified that both Opdyke Lumber has outdoor storage that appears to be larger than the footprint of the building. North of Delaware River Tubing is Stem Brothers which also has outdoor storage of tanks, trucks and other miscellaneous items. Crance testified that there are not any additional places on the Delaware River Tubing site where the equipment could be stored without affecting parking or spilling into the landfill area in the back. Crance testified that the outdoor storage would be used from Memorial Day weekend in May until mid to end of September. Most of the equipment is able to be stored indoors in the beginning and end of season, but starting mid-June through the end of August to early September the equipment would be stored outside. The volume of customers is much less during the pre and post season.

De Sapia asked how many buses Delaware River Tubing has and needs for its operation. Crance testified that currently they have 2 changing buses and 12–14 transport buses. Most of the transport buses are parked in the back and not all 12-14 buses are used at once. At the most, on the weekends, they will have 10 or so buses operating. They use approximately 4-5 buses on the week days and slower weekends. De Sapia asked if Delaware River Tubing needs 12-14 buses in order to operate efficiently. Crance testified the need for 12-14 buses, first because each bus has different certifications, depending on the class, air brake, and hydraulic brake endorsements. It is hard to get bus drivers with the proper certifications. Also, in case of a break down it is good to have a backup. Another reason for the number of buses, is to be able to get all of the customers off the river during daylight hours. They typically run the buses every 10-15 minutes and do not wait for the bus to be fully loaded so that the customers are not waiting for a longer time. Customers are unhappy when waiting too long to get on the river. The reason to maintain the number of buses is to be efficient and get the customers there and back in a reasonable amount of time.

De Sapia asked if the original site plan proposed to have the parking of vehicles to the rear of the building. Crance advised the original site plan did not have boat or bus storage in the back. Crance testified that the original site plan did not have the exact number of buses and needs to be modified because there are more buses and boats than shown originally. Crance testified that the updated site plan shows the correct number of buses, boats and trailer parking spots which is the area in the upper right-hand corner of the site plan. The jet boats shown are used to run supplies to the river. The

rectangular items on the site plan are shown in different sizes. They would like this to be the approved layout. The customer parking is to the south of the area and does not eliminate any parking. De Sapio summarized the application. Obtaining approval for the sale of food items without seating, to store the life jackets under tents in the front of the building but in back of the jersey barriers, to store the tubes and some of the floatation equipment behind netting, behind the jersey barriers in the front of the building, to obtain approval for a self-contained shower bus, along with a couple of changing buses, to change the layout of parking in the back of the building, and to obtain permission to leave the jersey barriers out year round; there are no other proposed changes to the site. Crance believes these covers everything the applicant is looking for. De Sapio advised he has nothing further for the witness.

Chair Rochelle asked if **Decker** had any questions for the witness. **Decker** advised that with the outdoor storage, there are variances that are required and asked if there are any proposed screening to obscure the view of the tubes and life jackets from the road. Crance was not sure. **Decker** advised in his review letter of March 15, 2021, included some photos of the front of the building with the life jackets, rafts and tubes. **Kaczynski** marked the Board Planners report from March 17, 2021 at exhibit PB-2. **Decker** asked if these photos accurately show the operation during the open season. Crance confirmed and reviewed the photographs with the Board. He advised that the rafts in the picture on the outside of the barrier are staged for the guests who have been checked in and ready to go. **Decker** asked if where those rafts are, between the concrete barriers and the grass strip, is where the buses come through to pick up the passengers. Crance confirmed. **Decker** advised this is where the screening would occur and asked if there was any screening proposed. Crance was not sure at this time. **Decker** advised that during the initial application there was vegetation that was to be installed. Crance said he believes so but not sure what type.

Decker asked about the storage of equipment and number of buses to accommodate the number of customers. However, the current application eliminated additional parking for those customers. He asked Crance to address the issue of increase of equipment and buses, however not an increase in parking. Crance advised that they plan to address this by significantly increasing prices and will no longer have group rates. **Decker** asked Crance if he remembers that during the initial site plan with 120 parking spaces that DRT was going to self-enforce parking by turning away cars when 120 spaces was met. Crance advised that they have parking attendants, have squeezed cars in and turned away cars as well. There have been cars parked south of the 120 parking spaces. **Decker** provided pictures from his March 15, 2021 letter of the cars in the parking area south of the 120 spaces. **Kaczynski** marked **Decker's** letter as PB-1. **Chair Rochelle** was present and personally took those photographs on July 18, 2020. Crance advised that this can happen during the peak months of July and August. **Decker** asked if he feels that increased costs and no group rates will eliminate this. Crance advised yes and that they have done a cost analysis and that the company could still operate successfully. It's preferable to have the additional parking, but since there is no choice, they believe this will reduce the demand. He also added that a lot of businesses were closed last year and because they were permitted to be open, they had a lot more visitors especially because it was a hot summer. **Decker** asked if there would be any objection to installing barriers in this area to prevent the overflow parking. Crance advised that because he is not an owner of the company, he is not positive if there would be any objection.

Banisch advised that it was indicated that there were 20-30 people per bus. Crance advised that with reduced capacity it is 20-30 people, however some of the buses can seat up to 60 people typically. **Banisch** asked about the number of people in a vehicle. Crance said there are typically 3 to 3 1/2 people in each vehicle. **Banisch** asked how many life preservers are in each of those tents. Crance advised due to vary sizes of the life jacket itself, he guesstimates 500-600 life jackets in each tent. Crance estimates

he has approximately 1,500 life jackets, 1,000 to 1,500 tubes, approximately 60 rafts, about 30 kayaks, and 7 canoes. DRT is mainly tubing and rafting.

Banisch advised that he had seen some of their operations elsewhere, and the showers that he saw were not trailers, they were a makeshift construction of shower curtain, shower curtain racks, and hoses installed adjacent to a building. **Banisch** advised they are asking for a specific 24-foot-long shower trailer here and heard Mr. Crance say that he was hoping for one of those. **Banisch** advised that if the Board approves this, they would approve exactly the type of shower requested and not a make shift shower done on site. **Banisch** asked for clarification on the intentions of the shower trailer. Crance advised that at a previous site, they had a make shift shower. If they obtain the shower trailer, what would vary from the sample, might be the size. They have trailers that can be rented that may be a little bit smaller or a little bigger. He said it would be a self-enclosed professional system and not a make shift shower.

Banisch advised that the applicant does not believe he can store the equipment anywhere else on the site, however he identified a couple of places in his letter dated March 17, 2021, item 12. He feels that there is a lot of stuff outside and that it is unsightly. He is looking at the application from the perspective that over time it has been an aggravating land use for the municipality with regards to traffic issues, unsightly, and conditions of prior approvals have not been addressed. He looked around the site and saw a few places where the applicant could put this equipment. The circulation pattern could be modified. The sheer numbers for equipment is greater than the customers. Crance advised they are looking to get rid of some of the equipment due to the reduced parking. He feels that because it is an outdoor outfitter next to a river that it is not unsightly. In some cases, it could be stacked neater. He advised on some days due to the sheer number of guests, they have all of that equipment.

12. A variety of reasons have been offered by the applicant as to why the proposed outdoor storage is needed and should be approved, including (1) the need to dry out life jackets and equipment used by patrons between customer uses, (2) asserting that the appearance of the outdoor storage is appropriate to the river outfitting use and (3) referring to other nearby uses that utilize outdoor storage (i.e. lumber yard to the south).
 - a. There are alternative locations on site that could accommodate the applicant's outdoor storage needs, reduce the degree of variance relief necessary by moving outdoor storage farther away from the public road, and eliminate or reduce the prominence of the unsightly outdoor storage that is proposed/established by the applicant. These alternatives include
 - i. The area to the rear of the parking field on the north side of the building (which could include relocation of the two tenant parking space behind the building),
 - ii. The grass/landscaped area adjacent to the north property line and driveway where landscaping can better screen the outdoor storage,
 - iii. Along the southerly side of the proposed tracking pad on the south side of the 120 parking space customer parking lot, which may also be screened using landscaping, and
 - iv. Adjacent to the proposed changing buses, portable showers and porta-potties in the rear of the building.
 - b. A display of a limited number of tubes, rafts and kayaks in front of the building could be an equally or more effective means of displaying equipment to identify and advertise the river outfitting use than the amount of outdoor storage proposed in the

corral in front of the building. Such limited displays could be brought inside the building during closed operations.

c. There are alternative locations on site for outdoor storage that are more conforming than the front of the building that is proposed by the applicant.

Banisch recommended some additional site changes that could be made to help with flow, storing of equipment and storage. He advised changes could be made for a more conforming location. Crance described an issue with changing the flow of buses due to them bottoming out, however he will take a look to see what might be done. Crance advised he will work with the professionals to see what solutions he can find.

Banisch advised that he doesn't think that raising the prices will affect the amount of parking needed. He asked when parking attendants are present. Crance said attendants are present on the weekends and not during the week when customers can park on their own easily. De Sapio advised that if the plan shows a full time attendant, they would like to amend the application because they will not have a full-time attendant on site during the week and only on weekends and some summer holidays where it reaches capacity. **Banisch** advised that having a sign saying the lot is full creates a safety issue. He asked what the plan is for filling up the lot and turning away customers. De Sapio advised he does not believe it is an obligation of a store owners to control how customers drive. De Sapio advised he is looking for site plan approval only. **Banisch** asked where the additional cars are parking when the lot is full. De Sapio entered an objection because he does not think that it is the Board's concern about what goes on in other municipalities. **Banisch** advised based on the numbers for equipment, there are more people than the site has for parking. De Sapio advised what is not being taken into account is the turnover of equipment for the day. There are sets of people that come through the day. **Kaczynski** advised the witness needs to testify in order to cross examine.

Crance advised that a lot of these spots are recycled and used more than once throughout the day. The amount of time it takes to get the equipment back and to the De Sapio property, can take in excess of 45 minutes per bus load. He explained this is the reason why they have more equipment than what can be fit on site. He advised that he does not anticipate needing additional shuttle vehicles other than those described on the plan without increased parking.

Banisch asked if the Board should expect Crance to get back to the Board after speaking with his professionals about alternative outdoor storage locations on the site. Crance agreed. **Banisch** advised that the issue of traffic needs to be addressed with the traffic expert.

Kaczynski asked Crance about the other existing uses on the site and asked if they were operating simultaneously. He advised the gym was closed last year and the dog training facility does not operate during the hours of Delaware River Tubing. **Giannone** advised that the cabinet shop in the back is no longer there. **Kaczynski** asked that since the applicant is changing the pricing structure in hopes to cut down on the number of cars that will be parked, why they would need an attendant. Crance advised with these changes, he does not believe an attendant would be beneficial.

Kaczynski asked for further explanation regarding the time it takes to return the used equipment back to DRT. Crance explained that when the customers are done with the river trip which is 6 miles in length. They actually enter the river south of Alexandria in Kingwood. They float down 6 miles and exit by the old Byram/Point Pleasant bridge pillars. When the guests finish their ride, the applicant needs to transport the passengers and all of the equipment back to DRT. It needs to be transported either by

trailer or the interior of the shuttle buses that have been modified to have seating sideways. The equipment is transported up river which takes about 45 minutes. During that time, there are additional patrons coming in to be brought down to the river while the other equipment is coming back. On a busy day, the tubes and rafts in the front of the building will be empty.

Chair Rochelle advised he would open questions to the Board and due to the time, this would be the last testimony for the night.

Tucker asked how many port o johns are they planning to have on site. Crance replied typically there is 8-10. He advised there is a guide by the provider that lists how many port o johns there should be based on headcount. **Tucker** asked about online ticket sales and asked if this could help control the number of patrons. Crance said yes, and advised they will not accept walk-ins any longer. He said most people will buy their tickets 3 days to a week in advance. They are able to limit the tickets sold with online sales.

Kiernan asked with regards to providing food, DRT had identified itself as a retail operation and asked if that is consistent with what the applicant is asking to do now. Crance said yes, that a lot of times when at an outdoor facility, patrons would want a restroom, changing rooms and food. This is something that they would like to provide at the facility. He advised they also sell water proof bags, foot wear, water toys, cameras, and things that people can take with them down river. He advised they plan on selling outdoor equipment too. **Kiernan** advised the original description did not identify this use. **Kiernan** asked if patrons have access to indoor restrooms. Crance said no, that the indoor restrooms are for employees.

Pfefferle asked whether they will be selling prepared foods, or preparing the foods and then selling them and asked for clarification. Crance advised they currently sell prepackaged food like water, Gatorade, granola bars, and other snacks. They are looking to sell cooked foods in addition prepared on site. Employees would cook the foods on site. **Pfefferle** asked if the buses need to complete multiple maneuvers to turn into the entrance. Crance advised the driveways were engineered so that buses can clear the turn, except in the case of an unfamiliar driver who has not made a wide enough turn. **Pfefferle** asked if 11 jet boats are necessary for the employees on the river. Crance advised they actually only have 7 jetboats. Not all of the 7 jetboats are used at the same time. Weekdays typically there are 2-3 and weekends there can be 4-5 on a busy weekend. The boats are used for patrol, to keep customers safe, replacing equipment if a patron needs it, and transporting staff. The other items on the site plan may be kayaks and trailers. **Pfefferle** advised that the number of buses seems more than what is needed considering the number of patrons, parking spaces, and capacity of each bus. Crance advised that they will not need to increase the fleet size because they are no longer increasing parking. The other factor though is that the parking spaces are recycled due to the early morning riders and then more in the late afternoon, at least half of the parking spaces are recycled. **Pfefferle** asked if the access points and exits for dropping patrons off and picking them up, need to be granted by the state. Crance advised the applicant is dealing with this right now. The public access points to their understanding are protected federally under the Federal Public Trust doctrine which protects the rights of private recreationalists and companies such as theirs.

Giannone asked if Yuuji Crance recalled the issue with access of southerly side. As the Fire Marshall, **Giannone**, asked why the amended site plan shows those parking spaces again when there needs to be clear access for emergency vehicles. He described how the spots could be shifted to clear the area out for emergency vehicles.

De Sapia advised he has some redirect for this witness. De Sapia asked Crance about the plantings in the grassy strip along the county road and asked if the applicant, as far as he knows, is willing to do this. Crance did not remember for sure, but knows that DRT wants to work with the Township and he does not see an issue in completing the plantings. De Sapia asked if Crance was involved when the original design was created for the buses and where the township professionals wanted the buses to avoid traveling through the parking lot to the extent possible. Crance advised yes and that the township wanted to isolate the buses from the general public so that there were not any accidents. De Sapia asked if in fact there was a new entrance created on the north end of the lot to reach this area that the buses travel through now. Crance advised yes, that it was not a driveway and had some vegetation there. The north side of the property did have a new driveway constructed, north of the dog training entrance on the site plan. De Sapia asked if there was a foreseeable way that the buses could pick up and discharge passengers as suggested by **Banisch** without the buses traveling through the parking area. Crance advised that he does not see how this could be done when the operation is in full swing. He is willing to look at options, however having the equipment that far away from the guests would not be efficient. He is also concerned about safety. He advised a common thing is that customers will arrive and not be sure where to go and where to get their equipment, putting the equipment further away would make it more difficult.

De Sapia asked if the customers need to have access to the building. Crance advised that DRT rents the eastern side of the building, the north half is used for equipment storage. There is no reason for guests to go in the north half. The southeastern side is used for check in, signature of waivers, and ticket sales. However, if tickets are now purchased online, they will not need to go in the building. The only other reason is to purchase supplies mentioned earlier and for a free key check. Typically, people are not in the building other than for those reasons. De Sapia asked to confirm that the present utilization of the site including the building and the bus loading, is located around and in front of the building. Crance confirmed. De Sapia advised there was a question if the tubes and life jackets could be stored inside due to the problem of mold. Crance advised that operations drastically improved when the life jackets were moved outside. Wet equipment can not be stored inside due to the moisture evaporating and getting into the air conditioning and shutting the air conditioners down. It can get over 100 degrees inside when it is busy. They had a couple of incidents of heat stroke due to this. When they moved the life jackets outside, they had zero incidents of this. Crance advised if the life jackets are stored in doors on top of each other, they can get mold along the collar by the neck. The life jackets can also be sanitized outdoors.

De Sapia asked about traffic and safety since having been in operation since 2016 at this site. He asked if Crance has been aware of any accidents on that portion of the county road in front of the DRT site. Crance advised there were not any accidents related to the buses or customers from DRT. He saw one accident however, that was not due to DRT. De Sapia asked if a full-time parking attendant is needed or if it was told by the municipality that it was needed to have. Crance said he believes it was told by the municipality that they needed to have a full time attendant. De Sapia said there was a question asked if he felt the 120 parking spaces are sufficient or not, he asked if it were possible would he prefer to have more spaces. Crance said absolutely, because he believes in tourism and believes people should be able to enjoy the waterway. De Sapia asked if the applicant is willing to run the site within the compliance of the site plan. Crance said yes, they are willing to comply with the town. De Sapia asked if Crance was aware of the efforts to figure out ways to increase the parking, and discussions with the DEP to permit parking on the landfill itself. Crance advised yes, and this is an issue they have been looking to resolve with the DEP for years now to increase parking. De Sapia asked if Crance was aware that the DEP may approve parking in that area if all safety issues are addressed.

Crance advised yes. **Kaczynski** advised that there was no evidence from the DEP presented to support to the Board and to give that testimony the appropriate weight. De Sapio advised it was meant to make a representation that the property owner has been negotiating with the DEP and had some expectations that it might be approved. He said the DEP is not interested in considering this unless Georgia Pacific is willing to resolve some issues.

Chair Rochelle advised that due to the time of 10:33pm, this would need to be continued at the next meeting. **Kaczynski** advised there was no need to re notice and that the application will be carried to the next meeting of the Board of April 15th. De Sapio agreed that the application would be carried to the April 15th meeting. De Sapio asked if the professionals should get together regarding alternate traffic patterns for the site. **Chair Rochelle** felt that it should be done after all the testimony has been heard, so that the Board has the broad picture of the applicant's intent. It could be done then. **Kaczynski** clarified for the record that when they come back that Yuuji Crance is still being cross examined by the applicant's attorney. When it is finished at the end of that meeting, the public can ask any questions.

Correspondence

None

Approval of Bills

A motion was made to approve the bills for the professionals of the Land Use Board by **Pfefferle** and seconded by **Fritsche**. **Vote: Ayes: Chair Rochelle, Papazian, Fritsche, Canavan, Tucker, Committeeman Kiernan, Deputy Mayor Pfefferle, Giannone and Kimsey. No Nays. Motion Carried.**

Comments from the Board/Public

There were no comments from the Board or from the public.

Motion to Adjourn

A motion to adjourn was made by **Deputy Mayor Pfefferle** and seconded by **Tucker** at 10:35pm. **Vote: Ayes: Chair Rochelle, Papazian, Fritsche, Canavan, Tucker, Committeeman Kiernan, Deputy Mayor Pfefferle, Giannone, Kimsey and Hahola. No Nays. Motion Carried.**

Leigh Gronau, Board Secretary